



Environmental Energy Technologies Division

Feb. 20, 2013

Re: HB 6332 An Act Banning Toxic Flame Retardants in Children's Products

I am a research scientist at the Lawrence Berkeley National Laboratory and the School of Public Health at the University of California, Berkeley. I have studied combustion, including toxic combustion byproducts, for over thirty years, and have become involved with fire safety and fire retardant chemical issues. I support the new California regulation TB117-2013, which changes the procedure for testing consumer products that contain foam and other resilient packing material in consumer products such as furniture and other products, including certain infant products. While not banning the use of fire retardant chemicals, TB117-2013 allows the manufacturing of some products without fire retardant chemicals while not lessening fire safety standards. My main support is in the elimination of the need to test the bare foam with an open flame, since that test does not simulate the real-world situation, where the open foam of filling material is covered by fabric, which would be the first item to ignite. If the fabric does ignite, the foam could be presented with a much larger flame. The larger flame could then ignite the foam, producing toxic combustion byproducts.

I have recently learned that Connecticut is considering new legislation banning the use of TDCPP, TDCP, TCEP or TCPP in infant products, except for such products governed by federal motor vehicle standards contained in 49 CFR Sections 571.213 and 571.302. While I am not an M.D., toxicologist, or epidemiologist, I support this ban from a combustion safety viewpoint.

In my opinion, the addition of these chemicals to the infant products will not significantly increase the fire safety of these products. My views are in alignment with the assessment made by the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation, who have proposed to exempt 17 additional classes of baby products from their regulation in addition to the 3 classes already exempted in the current standard (BEARHFTI. (2013). New Flammability Standards for Upholstered Furniture and Articles Exempt from Flammability Standards: Initial Statement of Reasons. Sacramento, CA: California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation). They recognize that these items contain a much lesser fuel load than average adult seating furniture, and that these products are less likely to be ignited or come in contact with an ignition source under the exercise of reasonable care and supervision of adults. They conclude that these 20 classes of items are subject to flammability standards unnecessarily as they are not inclined to pose a serious fire hazard.

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While the proposed Connecticut legislation is not the same as the proposed California standards, the net effect is the same – the reduction of potentially toxic chemicals that do not provide fire safety benefits. While the use of certain classes of fire retardants (such as those banned in the proposed CT legislation) is considered by some to be controversial, as a chemist I do support the reduced use of chemicals that cannot be shown to have a significant beneficial effect.

Please feel free to contact me if you have any additional questions.

Best regards,

A handwritten signature in black ink, appearing to read "Donald Lucas". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

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